

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of )  
themselves and all others similarly situated, )  
  )

Civil Action No.

Plaintiffs, )

v. )

**DECLARATION OF  
JONATHAN JONES**

U.S. DEPARTMENT OF EDUCATION and )  
Suzanne GOLDBERG, in her official capacity as )  
Acting Assistant Secretary for Civil Rights, )  
U.S. Department of Education, )

Defendants. )

I, Jonathan Jones, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I grew up in the Little Rock, Arkansas area and attended a non-denominational church that felt like home. My church was a big part of my life but that started to fall apart when I turned 18 and came out as part of the queer community.
3. I now identify as a bisexual, nonbinary, genderfluid person.
4. The church I grew up in was okay with my sexuality when I was not dating someone of the same-sex. However, when I realized that I wanted to date someone, like my heterosexual peers were doing, I told my church and my church ultimately rejected me.
5. I am currently a resident of Azusa, California, located in Los Angeles County.
6. I began attending Azusa Pacific University in Azusa, California in August 2017. I plan to graduate in July 2021.

7. While attending Azusa Pacific University, I received federal financial aid, including student loans, grants, work study, and scholarships. I will have to repay my student loans when I graduate.
8. I chose this school because of the Theology and the Global Studies programs. I also had the chance to participate in a scholarship which was based around social justice and student leadership. I felt that I could be part of the community of this school when I toured it.
9. At the end of the summer of 2018, I returned to APU for my Sophomore year. I had a scholarship where I was required to be in a leadership position at APU.
10. During my orientation as a student leader, APU reviewed the campus policies with us, including LGBTQ+ policies. We were informed that there was no longer a ban on same-sex dating. That information felt great to me, as it felt like my sexual identity and faith identity could be integrated.
11. However, in the fall of 2018, a professor sent a hateful and homophobic letter to the school and accused APU of leading students down the wrong path on human sexuality. This letter was leaked and distributed widely.
12. This letter hurt because I knew the people that this professor was writing about and because it also affected me as a queer person.
13. After that letter, there was a Board of Trustees meeting about same-sex dating on campus. The Board reversed the decision to allow same-sex dating.
14. The Board also made clear that the LGBTQ+ student group, which was called Haven at the time, was not a club, it was a ministry. The group was put under the Dean of Wellness.

15. This was a very scary time. I had started to feel safe coming out. Other students had started to feel safe coming out. And now this felt like a trick, like a trap.
16. I worried that I might lose my leadership position or my scholarship.
17. I started hearing from LGBTQ+ former students at APU who had lost their leadership positions or scholarships because of their-same-sex relationships.
18. I felt unwanted and unsafe on campus on an institutional level.
19. We held a prayer vigil in response to the Board's action. We did not hold a protest because we could have been disciplined if we held a protest.
20. It was unclear to us what would happen to us if we were caught in a same-sex relationship.
21. This uncertainty, confusion and rejection made it hard for me to go to class.
22. Several months later, in the spring of 2019, APU changed its student policies. APU no longer addressed same-sex dating in its code of conduct. APU's code of conduct stated that extramarital sex remained prohibited and that APU believed marriage was only between a man and a woman. These changes were confusing. There was no statement that same-sex dating was allowed or that LGBTQ+ identities and relationships were affirmed.
23. It feels like APU continues to downplay or hide its queer and trans student population so as not to offend its donor base.
24. APU also forced us to change the name of our LGBTQ+ student group. They did not like the name Haven. We had to change it to Tapestry. As a ministry, our financial situation is inferior to that of student clubs, and we do not get to fully control our programming.

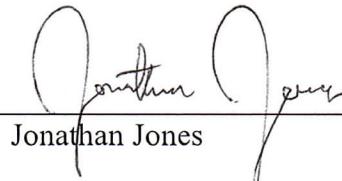
25. Tapestry is better than not having a place for us to gather, but it has limitations and features that reduce its value.
26. As Tapestry remains a ministry of APU, rather than an independent student club, APU maintains control over us. It also means that APU knows who comes to our meetings because an APU administrator attends our meetings.
27. If Tapestry were allowed to be a student club, rather than a controlled ministry, it would be a safer and more equal space for queer and trans students and students who are questioning their sexuality or gender identity.
28. Our group should be treated like the other clubs on campus. Putting us under the control of APU as a “ministry,” singles us out for unequal treatment and stigmatizes us.
29. There are other practices at APU that put LGBTQ+ students in danger. For example, APU has removed a queer student from their housing assignments when a roommate reported them for “coming onto them,” when, in reality, the student had merely come out to them.
30. APU’s major donors tend to be anti-LGBTQ+ and APU prioritizes these donors on human sexuality and gender identity issues, rather than prioritizing the safety and health needs of their LGBTQ+ students.
31. Azusa Pacific University’s current Human Sexuality statement states, in part, “as an evangelical community of disciples and scholars who embrace the historic Christian understanding of Scripture, Azusa Pacific University holds that sexuality is a gift from God and basic to human identity as well as a matter of behavioral expression. We hold that the full behavioral expression of sexuality is to take place within the context of a marriage covenant between a man and a woman and that individuals remain celibate

outside of the bond of marriage. Therefore, we seek to cultivate a community in which sexuality is embraced as God-given and good and where biblical standards of sexual behavior are upheld.”

32. This exclusionary affirmation of straight relationships ignores the queer and trans students at APU, including those who are in relationships. It’s a conflicting message and a shaming message that singles out queer people and tells them that celibacy is their only option in life.
33. These policies force people to stay in the closet or go back into the closet. The closet is not a healthy place for queer people to be because they have to monitor and suppress important parts of their identities.
34. The faculty and staff at the school have been able to offer only limited statements of support because they are forced to sign a belief statement as employers of the university.
35. My school’s position towards gender and sexual orientation makes me feel ostracized and unwanted. The school has briefly recognized gay couples, just to reverse their stance, and then reverse it again, lifting bans on gay romance later. But, generally, the queer community at Azusa Pacific University is now ignored and sidelined.
36. We are not celebrated. Our safety and health is not prioritized. We have no protection from what APU and its Board and donors can decide to do to us.
37. A lot of LGBTQ+ students remain closeted on campus because they don’t feel safe coming out.
38. A non-discrimination policy that included LGBTQ+ students at APU would make me feel safer at APU. We need a strong rule in place that prohibits APU from punishing students for being queer or trans or for dating someone of the same gender.

39. I am participating in this lawsuit because future queer Christian students deserve a space to explore their spirituality alongside their sexuality and gender identity in a faith-based environment without the fear of harassment or discrimination.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 6th day of March, 2021.

By:   
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Jonathan Jones